

REMARKS

The present application has pending claims 2-5, 8-12, 14 and 15.

35 U.S.C. §103 Rejections

Claims 2, 4 and 8 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,541,738 to Mankovitz ("Mankovitz") in view of U.S. Patent No. 5,448,568 to Delpuch et al. ("Delpuch"), and further in view of U.S. Patent No. 5,901,149 to Itakura et al. ("Itakura"). **Claims 3, 5, 9-12, 14 and 15** stand rejected under 35 USC 103(a) as being unpatentable over Mankovitz, in view of Delpuch, further in view of Itakura, and even further in view of U.S. Patent No. 5,671,095 to Arai et al. ("Arai"). These rejections are traversed for the following reasons.

I. Itakura Is an Intervening Reference and Is Overcome By Translation

In the present application, Applicants' claim for foreign priority was made based on Japanese Patent Application Nos. 07-103431 and 07-103432, both of which were filed on April 27, 1995. The Itakura reference was filed on November 6, 1995, which is before the date of filing the present application in the United States, but after the priority date of the present application. Therefore, Itakura is an intervening reference, which can be overcome by filing a translation of the certified copy of the priority document, together with a statement that the translation of the certified copy is accurate. (See MPEP 201.15).

Therefore, Applicants submit on even date herewith, a translation of the certified copies of the priority documents and respective statements that the translations of the certified copies are accurate. For these reasons, the date of the Itakura reference is overcome, and Itakura does not qualify as prior art.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of: claims 2, 4 and 8 as being unpatentable over Mankovitz in view of Delpuch, and further in view of Itakura; and claims 3, 5, 9-12, 14 and 15 as being

unpatentable over Mankovitz, in view of Delpuch, further in view of Itakura, and even further in view of Arai, are respectfully requested.

In view of the foregoing remarks, Applicants submit that claims 2-5, 8-12, 14 and 15 are in condition for allowance. Accordingly, early allowance of claims 2-5, 8-12, 14 and 15 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of BRUNDIDGE & STANGER, P.C., Deposit Account No. 50-4888 (referencing Attorney Docket No. 500.34521CC3).

Respectfully submitted,

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